

# 1366139  
3-1337  
PATENT

Attorney Docket No.: 01/23015  
(Previously 000320US)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

DAVIDSON, Charles J., et al.

Application No.: 09/663,111

Filed: September 15, 2000

For: CATHETER WITH SIDE SHEATH

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Confirmation No.: 3759

Group Art Unit: 3738

Examiner: P. Prebilic

(MLB Ref. No: 058032-5001)

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

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TECHNOLOGY CENTER R3700

RESPONSE AND AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response and Amendment in response to the Office Action mailed August 28, 2002.
2. Additional papers enclosed:
  - ☐ Change of Correspondence Address
  - ☐ Request for Approval of Drawing Change
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ reference(s) included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$985.00

Extension of time fee due with this request: **\$465.00**

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefore of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	49	minus	41	8	x \$18 each =	+ \$144.00
Independent Claims (37 C.F.R. § 1.16(b))	2	minus	2	0	x \$84 each =	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$ 0.00
<b>SUB-TOTAL =</b>						<b>\$ 144.00</b>
Reduction by ½ for filing by a small entity						- \$72.00
<b>TOTAL FEE =</b>						<b>\$ 72.00</b>

6. Fee Payment

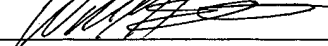
[ ] No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge **[\$537.00]** representing additional claims fee and three-month extension of time fee to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**Date: February 28, 2003

By:  Reg. No. 37,525  
Michele Van Patten Frank  
Reg. No. 37,028

**Customer No.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. 202.739.3000  
Fax. 202.739.3001